

REFERENCE TITLE: marriage; property; debts

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1107

Introduced by
Senator Gray L

AN ACT

AMENDING SECTION 25-214, ARIZONA REVISED STATUTES; RELATING TO PROPERTY RIGHTS AND CONTRACT POWERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 25-214, Arizona Revised Statutes, is amended to
3 read:

4 25-214. Management and control

5 A. ~~Each~~ A spouse has ~~the~~ sole management, control and disposition
6 rights ~~of each spouse's~~ WITH RESPECT TO THAT SPOUSE'S OWN separate property.

7 B. UNLESS PROHIBITED BY STATUTE OR COURT ORDER, OR UNLESS A SPOUSE
8 EXECUTES A NOTARIZED, WRITTEN WAIVER OF THAT SPOUSE'S RIGHT TO MANAGE
9 COMMUNITY PROPERTY, the spouses have equal management, control and
10 disposition rights over their community property and have equal power to bind
11 the community.

12 C. Either spouse separately may acquire, manage, control or dispose of
13 community property or bind the community, except that joinder of both spouses
14 is required in any of the following cases:

15 1. Any transaction for the acquisition, disposition or encumbrance of
16 an interest in real property other than an unpatented mining claim or a lease
17 of less than one year.

18 2. Any transaction of guaranty, indemnity or suretyship.

19 3. ANY TRANSACTION OF A PARTNERSHIP, CORPORATION OR LIMITED LIABILITY
20 COMPANY IN WHICH ONE SPOUSE IS AN OWNER, TO THE EXTENT THE CREDITOR WISHES TO
21 COLLECT THE JUDGMENT AGAINST COMMUNITY ASSETS. AN OBLIGATION OF SUCH AN
22 ENTITY ENTERED INTO BY ONLY ONE OF THE SPOUSES IS NOT BINDING ON THE OTHER
23 SPOUSE OR AGAINST COMMUNITY PROPERTY, OTHER THAN ON THE ASSETS OF THE ENTITY.

24 3. 4. To bind the community, irrespective of any person's intent with
25 respect to that binder, after service of a petition for dissolution of
26 marriage, legal separation or annulment if the petition results in a decree
27 of dissolution of marriage, legal separation or annulment.